

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/011593

International filing date (day/month/year)
15.10.2004

Priority date (day/month/year)
24.10.2003

International Patent Classification (IPC) or both national classification and IPC
H04N5/235

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

1004575325

International application No.
PCT/EP2004/011593

IAP20Resd.373740 10 APR 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/011593

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-15
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-15
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

Cited Documents

1. Reference is made to the following documents:

D1: US-A-5 210 560 (LABAZIEWICZ PETER) 11 May 1993 (1993-05-11)
D2: JP 10 221761 A (NIKON CORP), 21 August 1998
D3: US-A-6 148 154 (ISHIMARU ET AL) 14 November 2000 (2000-11-14)
D4: JP 2003 287799 A (OLYMPUS OPTICAL CO LTD), 10 October 2003

Art. 6 PCT

2. **Claim 1** defines a camera comprising (a) at least two light detection elements and (b) a warning device. The "threshold comparison means" have not been defined *per se* but merely by reference (see Preliminary Guidelines 5.37). This renders unclear (Art. 6 PCT) the scope for which protection is sought.
3. The description presents the problem underlying the application as that of "**detecting the presence of an obstacle, such as a finger's photographer, placed in front of or in the field of the camera lens**" (see page 3 line 26-27). Claim 1, however, merely defines a camera and a warning device (and if the objection above is overcome also a (c) threshold comparison means) but no reference is made to the obstacle detection. Thus, the claim is not supported (Art. 6 PCT) by the description in the whole range claimed, since the skilled person would be unable to extend the particular teaching, namely "**detecting the presence of an obstacle (...), to any camera with two light detection elements, a threshold comparison means and a warning device** (see Preliminary Guidelines 5.44).
4. The term light difference is unsound (Art. 6 PCT) in the field of photography. It appears that a light **intensity** difference is meant.

Art. 33 PCT

5. In spite of the above clarity and support objections a claim 1 defining:-

A camera comprising **a threshold comparison means**; at least two light detection means connected to said threshold comparison means; and a warning device controlled by the comparison means for emitting a warning if a light **intensity** difference between two light difference between two light detection elements exceeds a set value Vr **so that the presence of an obstacle, such as a finger's photographer, placed in front of or in the field of the camera lens can be detected;**

appears to meet the criteria regarding **Art. 6 and 33 PCT**.

6. The present application refers to the field of detecting the presence of an obstacle, for example a photographer's finger, placed in front of or in the field of the camera lens.

The present claim defines a camera comprising at least two light detection elements and a warning device. This subject is known from documents **D1** (see FIG. 1), **D3** (see FIG. 3 and 6) and **D4** (see FIG. 12 (b)), which disclose emitter-detector pairs.

Claim 1 further defines a threshold comparison means, connected to the light detection means and controlling the warning device to emit a warning if a light **intensity** difference between two light detection elements exceeds a set value.

This, however, is not suggested by either **D1**, **D3** or **D4**. Document **D2** does not appear to even disclose the a plurality of light detectors.

Thus a claim 1 according to point 5 above appears to be novel and inventive.

M. Pavón Mayo